



The Attorney General of Texas

December 20, 1978

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Honorable Ron Resech
Executive Director
Texas Cosmetology Commission
1111 Rio Grande
Austin, Texas 78701

Opinion No. H- 1298

Re: Jurisdiction of the justice
of the peace over misdemeanor
cases involving violation of the
cosmetology law, article 8451a,
V.T.C.S.

Dear Mr. Resech:

You ask:

Under the Texas Constitution, and the Code of
Criminal Procedure, do the justice of peace courts
have jurisdiction over misdemeanor cases involving
violations of the Cosmetology Statutes, codified as
Article 8451a, V.A.C.S.?

You indicate that some justices of the peace refuse to accept complaints
under this law claiming a lack of jurisdiction.

Article 5, section 19 of the Texas Constitution provides:

Justices of the peace shall have jurisdiction in
criminal matters of all cases where the penalty or fine
to be imposed by law may not be more than for two
hundred dollars,

See also Code Crim. Proc. art. 4.11.

Section 47(a) of article 8451a, V.T.C.S., provides:

(a) Any person who violates a provision of this Act
except Section 35 is guilty of a misdemeanor and on
conviction is punishable by a fine of not less than \$25
nor more than \$100.

Section 35 provides that a physician who signs a health certificate showing
that an applicant is free from contagious disease when the physician has not

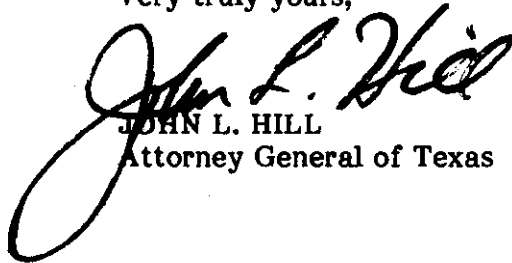
conducted a physical examination of the applicant is guilty of a misdemeanor punishable by a fine of not less than \$50 nor more than \$200.

Since the punishment for a violation of article 8451a, V.T.C.S., can not exceed \$200, the justice courts have jurisdiction over misdemeanor charges brought under the Act.

S U M M A R Y

The justice courts have jurisdiction over misdemeanor violations of the Cosmetology Act, article 8451a, V.T.C.S.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


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